**smith & hopen, p.a.**

15950 Bay Vista Drive, Suite 220
Clearwater, Florida 33760
727.507.8558 Tel
727.507.8668 Fax
www.baypatents.com

FAX**INTELLECTUAL PROPERTY LAW**

To:	U.S. Patent & Trademark Office	From:	Molly L. Sauter
Attn:	Michael J. Hayes - Art Unit 3763	Client:	1372.32
Fax:	(703) 872-9302	Pages:	4 including coversheet
Phone:	(703) 305-5873	Date:	December 20, 2002
Re:	USPN 09/696,350	CC:	University of South Florida (Assignee)
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle			

FAX RECEIVED**DEC 20 2002****GROUP 3700****BEST AVAILABLE COPY**

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

Docket No. 1372.32

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

RICHARD HELLER ET AL.

Serial No.: 09/696,350

Art Unit: 3763

Filed: 10/24/2000

Examiner: Michael J. Hayes

For: ELECTROPORATION DEVICE AND
METHOD

Faxed to Technology Center 3700 at (703) 872-9302
Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

BEST AVAILABLE COPY

AMENDMENT TRANSMITTAL

1. Transmitted herewith is a Response To Election/Restriction Requirement for this application.

STATUS

2. Applicant is an independent inventor. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.


SIGNATURE OF PRACTITIONER

Molly L. Sauter
Smith & Hopen, P.A.
15950 Bay Vista Drive, Ste. 220
Clearwater, FL 33760
(727) 507-8358

Reg. No.: 46,457
Customer No.: 21,901

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 3763, Attn: Michael J. Hayes, (703) 872-9302 on December 20, 2002.

Dated: December 20, 2002


Deborah Preza

(Amendment Transmittal--page 1)

Practitioner's Docket No.: 1372.32

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard Heller et al.

Serial No.: 09/696,350

Art Unit: 3763

Filed: 10/24/2000

Examiner: Michael J. Hayes

For: **ELECTROPORATION DEVICE AND
METHOD**

Faxed to Technology Center 3700 at (703) 872-9302
Box Non-Fee Amendment
Assistant Commissioner for Patents
Washington, D.C. 20231

BEST AVAILABLE COPY

Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed November 27, 2002, having a shortened statutory period for response set to expire December 27, 2002 as follows:

Applicant requests that the attorney docket number for the application be changed from 24394 to 1372.32.

IN THE SPECIFICATION

Applicant requests that the title of the application be changed to "ELECTROPORATION DEVICE" to reflect the election response.

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant notes that in the Examiner's action mailed November 27, 2002, the Examiner has classified Group I as drawn to a device for manipulating a molecule and cited claims 1-17 as being within this group. Group II was classified as being drawn to method of achieving distribution and delivery of a molecule from a body location into a target tissue and said to include claims 18-27. Upon further inspection, the applicant has verified that claims 1-15 should be included in Group I and that claims 16-27 should be included in Group II.

Based on the previous clarification, applicant elects to prosecute claims 1-15 of Group I, drawn to a device for manipulating a molecule, classified in class 604, subclass 20. This election is made without traverse.

REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

By: 

Molly L. Sauter
Suite 220
15950 Bay Vista Drive
Clearwater, FL 33760
(727) 507-8558
Attorneys for Applicant

Dated: December 20, 2002

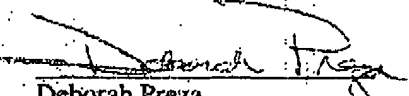
BEST AVAILABLE COPY

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 3763, Attn: Michael J. Hayes, (703) 872-9302 on December 20, 2002.

Dated: December 20, 2002


Deborah Preza